

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

COLLINS, VELLA & CASELLO, LLC
2317 Route 34, Suite 1A
Manasquan, NJ 08736
(732) 751-1766
Joseph M. Casello, Esq.
Attorneys for the Debtor

In Re:

Kenneth J. Blankenbaker

Case No.: 19-22933

Judge: Gravelle

Chapter: 13

CHAPTER 13 DEBTOR'S CERTIFICATION IN OPPOSITION

The debtor in this case opposes the following (**choose one**):

1. Motion for Relief from the Automatic Stay filed by _____, creditor,

A hearing has been scheduled for _____, at _____.

Motion to Dismiss filed by the Chapter 13 Trustee.

A hearing has been scheduled for _____, at _____.

Certification of Default filed by U.S. Bank Trust National Assn,

I am requesting a hearing be scheduled on this matter.

2. I oppose the above matter for the following reasons (**choose one**):

Payments have been made in the amount of \$ _____, but have not been accounted for. Documentation in support is attached.

Payments have not been made for the following reasons and debtor proposes repayment as follows (explain your answer):

Other (explain your answer):

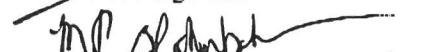
See attached certification.

3. This certification is being made in an effort to resolve the issues raised in the certification of default or motion.
4. I certify under penalty of perjury that the above is true.

Date: 10/10/23


Debtor's Signature

Date: 10/10/23


Debtor's Signature

NOTES:

1. Under D.N.J. LBR 4001-1(b)(1), this form must be filed with the court and served on the Chapter 13 Trustee and creditor, if applicable not later than 7 days before the date of the hearing if filed in opposition to a Motion for Relief from the Automatic Stay or Chapter 13 Trustee's Motion to Dismiss.
2. Under D.N.J. 4001-1 (b)(2), this form must be filed with the court and served on the Chapter 13 Trustee and creditor, if applicable not later than 14 days after the filing of a Certification of Default.

COLLINS, VELLA & CASELLO, LLC

2371 Highway 34 South, Suite 1A

Manasquan, NJ 08736

Attorneys for Debtor

(732) 751-1766

Joseph M. Casello, Esq.

**UNITED STATES BANKRUPTCY COURT
District of New Jersey**

In re: : Chapter 13 Case No. 19-22933
Kenneth J. Blankenbaker : Judge: Hon. Christine M. Gravelle, U.S.B.J.
Debtor :

**CERTIFICATION OF DEBTOR IN OPPOSITION TO THE MOTION FOR RELIEF
FROM THE AUTOMATIC STAY**

Kenneth J. Blankenbaker, being of full age, hereby certifies to the Court and says:

1. I am the Debtor in the above-captioned Chapter 13 case and make this

Certification in opposition to the Creditor's Certification of Default filed by US Bank Trust National Association.

2. In February 2021, this Court entered an Agreed Upon Order Resolving Secured Creditor's Motion for Relief from Stay. Since the order was entered, my wife and I have made monthly payments each and every month.

3. This Certification of Default was filed on October 3, 2023. Attached hereto as Exhibit A is a copy of our check number 1910 in the amount of \$6,748.22 that was received by Selene and cashed on September 22, 2023. We are not provided any credit for this amount in the Certification of Default.

4. Selene Finance sends a monthly statement to our attorney every month.

5. Our attorney sends the statement to us and each month we have paid the amount due on the coupon attached to the monthly statement.

6. Attached hereto as Exhibit B is a chart I have made summarizes the information contained in the monthly statements we received from March of 2022 through September 2023.

7. The Selene statements make no sense. As an initial matter they are addressed to our attorney despite him having sent Selene a notice to send the statements directly to us.

8. Attached hereto as Exhibit C is a copy of the July 1, 2022 statement. The statement says the amount due is \$5,956.28. According to the chart attached to the Creditors Certification of Default, the July payment was actually \$6,376.06.

9. Attached hereto as Exhibit D is a copy of the docket sheet from my chapter 13 case for the time period of March 1, 2022 and October 1, 2023. At no point did Selene file a notice of mortgage payment change.

10. We made payments to Selene based upon the statements we received. If we are in fact in arrears at all, it is due to Selene providing us incorrect information.

11. We request the Court fix the arrears if any, and we will pay that amount. The request to vacate the stay should be denied and any request for costs and fees must also be denied.

I hereby certify that the foregoing statements made by me are true to the best of my knowledge, information and belief. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: 10/10/23


Kenneth J. Blankenbaker

EXHIBIT A

SEP 25 2023

✉ Check \SERIALNUM - 1910 -\$6,748.22

Details

Statement Description:

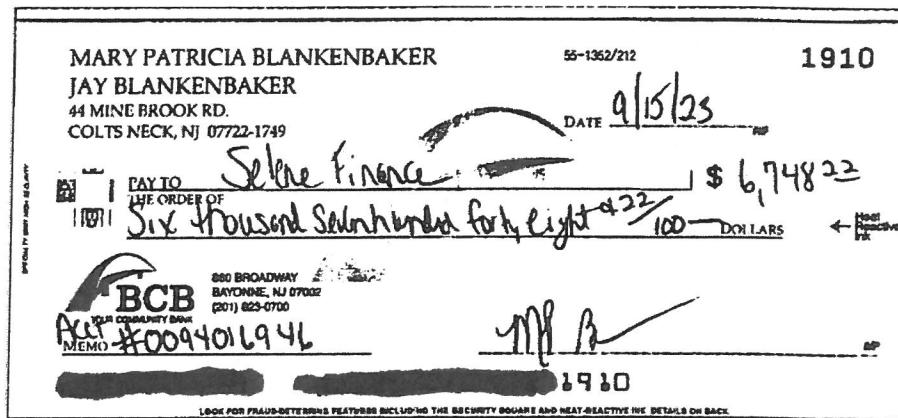
Check \SERIALNUM

Date:

9/25/2023

Type:

Debit - Check 1910



<

1 of 2

>

Page totals: Credits: [0] \$0.00 Debits: [2] - \$6,768



HOME



TRANSFER



DEPOSIT
CHECK



BILL PAY



MEN

Check \SERIALNUM - 1910 - \$6,748.22 ::

Details

Statement Description:

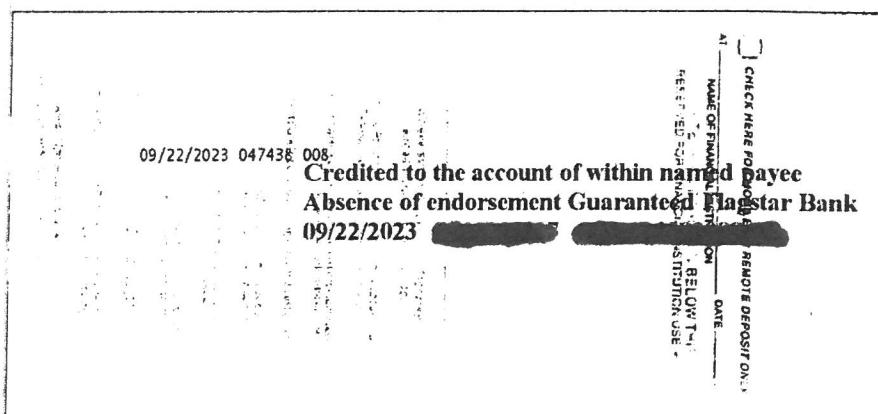
Check \SERIALNUM

Date:

9/25/2023

Type:

Debit - Check 1910



<

2 of 2

>

Page totals: Credits: [0] \$0.00 Debits: [2] - \$6,768.22



HOME



TRANSFER



DEPOSIT
CHECK



BILL PAY



MENU

EXHIBIT B

SELENE - Loan#XXXXXX6946

		PER STATEMENT		
Date	Coupon Amount	Regular Monthly Payment	Amount Paid	Check #
3/1/2022	6,376.06	6,376.06	6,376.06	Cert
4/1/2022	(12,816.16)	6,376.06	6,376.06	1716
5/1/2022	(12,934.74)	6,257.48	6,257.48	1728
6/1/2022	(301.20)	6,257.48	6,257.48	1735
7/1/2022	5,956.28	6,257.48	5,956.28	1745
8/1/2022	5,956.28	6,257.48	5,956.28	1748
9/1/2022	5,664.58	6,257.48	5,664.58	1752
10/1/2022	5,965.78	6,257.48	5,965.78	1761
11/1/2022	6,558.68	6,257.48	6,558.68	1772
12/1/2022	6,850.38	6,257.48	6,850.38	1777
		62,811.96	62,219.06	
			(592.90)	
1/1/2023	6,549.18	6,257.48	6,549.18	1784
2/1/2023	(25,331.12)	6,257.48	6,258.00	1792
3/1/2023	(21,590.14)	6,257.48	6,257.48	1800
4/1/2023	(25,633.64)	6,257.48	6,257.48	1805
5/1/2023	(25,633.64)	6,257.48	6,257.48	1813
6/1/2023	(25,633.64)	6,257.48	6,257.48	1819
7/1/2023	19,263.18	6,748.22	6,748.22	1825
8/1/2023	19,753.92	6,748.22	6,748.22	1903
9/1/2023	20,244.66	6,748.22	6,748.22	1910
		57,789.54	58,081.76	
			292.22	
			(300.68)	

EXHIBIT C



P.O. Box 8619
Philadelphia, PA 19101-8619

Mortgage Statement

Statement Date: 06/03/2022

If you have questions or concerns about your statement or account, please contact us at (877)735-3637 between the hours of 8:00 am to 9:00 pm Monday through Thursday and 8:00 am to 5:00 pm Friday CT or you can contact us at www.selenefinance.com.

Hearing Impaired call 711 or (800) 735-2989.



4-755-64215-0001516-001-1-011-010-000-000

JOSEPH CASELLO
2317 ROUTE 34 SOUTH
SUITE 1A
MANASQUAN NJ 08736

Account Number	6946
Payment Date	07/01/2022
Payment Amount	\$5,956.28

Property Address: 44 MINE BROOK ROAD
COLTS NECK NJ 07722

Bankruptcy Message

Our records show that you are a debtor in bankruptcy. We are sending this statement to you for informational and compliance purposes only. It is not an attempt to collect a debt against you.

If your bankruptcy plan requires you to send your regular monthly mortgage payments to the Trustee, you should pay the Trustee instead of us. This statement may not show recent payments you sent to the Trustee that the Trustee has not yet forwarded to us. Please contact your attorney or the Trustee if you have questions.

If you want to stop receiving statements, write to us at:
Selene Finance LP, Attn: Customer Service Research,
P.O. Box 421517, Houston, TX 77242. Or you may fax us at
(866) 926-5496, or email us at:
CustomerService@selenefinance.com.

Explanation of Post-Petition Payment

Principal	\$528.47
Interest	\$3,139.66
Escrow (For Taxes and/or Insurance)	\$2,589.35
 Regular Monthly Payment	 \$6,257.48
 Total Fees and Other Charges	 \$0.00
 Past Unpaid Amount	 \$5,945.98
 Unapplied Balance	 -\$6,247.18
 Total Payment Amount	 \$5,956.28

The payment amount does not include any amount that was past due at the time you filed bankruptcy. If post-petition fees are displayed on this statement, such fees may not all be recoverable. Any advances, fees or costs listed on the statement will be recoverable only if any required notices are filed with the bankruptcy court or the bankruptcy court otherwise enters an order allowing those amounts.

Account Information

Outstanding Principal Balance	\$628,980.58
Interest Rate	6.00000%
Prepayment Penalty	No

Summary of Amounts Past Due Before Bankruptcy Filing (Pre-Petition Arrearage)

Paid Last Month \$0.00 This box shows amounts paid last month, which may also include amounts paid in advance.

This box shows amounts that were past due when you filed for bankruptcy. It may also include other allowed amounts on your mortgage loan. The Trustee is sending us the payments shown here. These are separate from your regular monthly mortgage payment. Please note that if the plan has not been confirmed or the proof of claim deadline has not passed, this amount has not been finalized. Please contact your attorney or the Trustee if you have questions.

Important Messages

We have not received all of your mortgage payments due since you filed for bankruptcy.

Partial Payments: Any partial payments that you make are not applied to your mortgage but instead are held in an unapplied account on your mortgage. Those funds are shown in the Unapplied Balance line. If you pay the Total Payment Amount, the unapplied funds will then be applied to your mortgage.

EXHIBIT D

**U.S. Bankruptcy Court
District of New Jersey (Trenton)
Bankruptcy Petition #: 19-22933-CMG**

Assigned to: Judge Christine M. Gravelle
Chapter 13
Voluntary
Asset

Date filed: 07/01/2019
Plan confirmed: 05/19/2020
341 meeting: 08/15/2019
Deadline for filing claims: 09/09/2019

Debtor

Kenneth J. Blankenbaker
44 Mine Brook Road
Colts Neck, NJ 07722
MONMOUTH-NJ
SSN / ITIN: xxx-xx-9425

represented by **Joseph Casello**
Collins, Vella & Casello
2317 Route 34 South
Suite 1A
Manasquan, NJ 08736
(732) 751-1766
Fax : (732) 751-1866
Email: jcasello@cvclaw.net

Trustee

Albert Russo
Standing Chapter 13 Trustee
CN 4853
Trenton, NJ 08650-4853
(609) 587-6888

represented by **Albert Russo**
Standing Chapter 13 Trustee
CN 4853
Trenton, NJ 08650-4853
(609) 587-6888
Fax : (609) 587-9676
Email: docs@russotrustee.com

U.S. Trustee

U.S. Trustee
US Dept of Justice
Office of the US Trustee
One Newark Center Ste 2100
Newark, NJ 07102
(973) 645-3014

Filing Date	#	Docket Text
09/22/2022	<u>87</u> (18 pgs; 2 docs)	Substitution of Attorney, terminating Rebecca Solarz and adding Denise Carlon.. (Carlon, Denise) (Entered: 09/22/2022)
03/14/2023	<u>88</u> (2 pgs)	Chapter 13 Trustee Annual Report filed by Albert Russo. (Russo, Albert) (Entered: 03/14/2023)

Transaction Receipt

10/10/2023 08:14:31			
PACER Login:	jcasello	Client Code:	
Description:	Docket Report	Search Criteria:	19-22933-CMG Fil or Ent: filed From: 3/1/2022 To: 10/1/2023 Doc From: 0 Doc To: 99999999 Term: included Format: html Page counts for documents: included
Billable Pages:	1	Cost:	0.10